

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.)

MM Docket No. 98-231
RM-9421

Gackle, North Dakota)

To: Chief, Allocations Branch, Mass Media Bureau

COMMENTS OF HIGH PLAINS BROADCASTING, INC.

High Plains Broadcasting, Inc. ("HPBI"), the petitioner in the above-captioned proceeding, by its attorneys and pursuant to Sections 1.419 and 1.420 of the Commission's Rules, respectfully urges the Commission to adopt the proposed change to the FM Table and allot Channel 256C to Gackle, North Dakota.

HPBI's Petition and its exhibits in this proceeding, which these comments incorporate by reference in their entirety, establish that this proposal will serve the public interest. The allotment of Channel 256C to Gackle, North Dakota, will provide that community with its first local aural transmission service, which has long been a fundamental and sufficient basis for adding to the FM Table of Allotments.

Gackle, a census designated city of 450 persons, *see 1990 Census of Population and Housing, North Dakota* at 38 (1993), merits its own aural transmission service. The community, which elects its own mayor and city council and has its own zip code and post office (58442), also is the site of the Gackle Streeter Public School and maintains a volunteer fire department. Commercially, Gackle has a number of business enterprises, including the First State Bank of Gackle, two hair stylists, a laundromat, D&L's Gackle Super Valu (a retail grocer), the Gackle Grain Co-op, the

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Gackle Co-op Oil Company, Miller Oil Bulk & Service Station, Julie's Country Cafe, and the Gackle Tastee Freez. Gackle also boasts its own weekly newspaper -- the Tri-County News -- as well as its own senior center and a full-time community health clinic. At least three religious denominations maintain buildings and services in Gackle, namely the Gackle Assembly of God, Emmanuel Luthern Church and the Grace Baptist Church. In addition, Gackle has its own social organizations, including a Little League, an American Legion group and a Lions Club. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrate that Gackle is a community deserving of its own aural transmission service. *See, e.g., Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991).

The above proposal would enable Gackle to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. ^{1/}

^{1/} To the extent possible, HPBI prefers the site specified in the Petition and, to the extent necessary in these comments, would ask the Commission to take the necessary steps to enable this site to be used as the transmitter site for the proposed station. In any event, as indicated in the attached Declaration, HPBI intends to seek and, if approved, commence construction pursuant to the proposed allotment.

Accordingly, the Commission should adopt the Notice of Proposed Rule Making and allot Channel 256C to Gackle, North Dakota, as requested.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: *F. William LeBeau*
F. William LeBeau

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Its Attorneys

February 8, 1999

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel as proposed in the relevant petition and endorsed in the attached comments upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 29th day of January, 1999.